

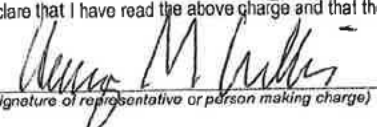
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE	
Case 32-CA-210011	Date Filed 11-15-2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Tesla, Inc.	b. Tel. No.
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 45500 Fremont Boulevard Fremont, California 94538	e. Employer Representative (b) (6), (b) (7)(C)
	g. e-Mail (b) @tesla.com
	h. Number of workers employed Approximately 7000
i. Type of Establishment (factory, mine, wholesaler, etc.) Factory	j. Identify principal product or service Automotive Manufacturing
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) In the past six months the above-named Employer has interfered with the protected Section 7 rights of (b) (6), (b) (7)(C) and those of (b) (6), (b) (7)(C) coworkers by intimidating (b) (6), (b) (7)(C) creating the impression of surveillance of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) coworkers, engaging in surveillance of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) coworkers' activities, subjecting (b) (6), (b) (7)(C) to heightened supervisory scrutiny and interrogating (b) (6), (b) (7)(C) concerning (b) (6), (b) (7)(C) support for and activities on behalf of the Charging Party.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO	
4a. Address (Street and number, city, state, and ZIP code) 800 East Jefferson Detroit, Michigan 48214	4b. Tel. No. (313) 926-5000 4c. Cell No. 4d. Fax No. 4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Int'l Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Henry M. Willis, Attorney (Print/type name and title or office, if any)
Schwartz, Steinsapir, Dohrmann & Sommers, LLP 6300 Wilshire Boulevard, Suite 2000, Los Angeles, CA 90048 Address	
11/15/17 (date)	
Tel. No. (323) 655-4700 Office, if any, Cell No. Fax No. (323) 655-4488 e-Mail hmw@ssdslaw.com	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

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November 15, 2017

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VIA E-MAIL AND U.S. MAIL

Regional Director Valerie Hardy-Mahoney
NLRB Region 32
1301 Clay Street
Room 300-N
Oakland, CA 94612-5211

Re: **Tesla, Inc.**
Case No. 32-CA-

Dear Ms. Hardy-Mahoney:

Enclosed please find an unfair labor practice charge that we have e-filed today on behalf of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America against Tesla. This letter outlines the evidence we will offer in support of each of the allegations of the charge.

1. Unlawful surveillance

(b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) supporter of the UAW and its organizing efforts at Tesla. (b) (6), (b) (7)(C) is currently employed at Tesla's Gigafactory outside Sparks, Nevada as a (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) began distributing flyers for the UAW, primarily in the Company break room, in 2016, then intensified those activities in 2017. (b) (6), (b) (7)(C) spoke up on behalf of the Union and contradicted the anti-Union message being delivered by Tesla management at a captive audience meeting in March 2017. Later that summer (b) (6), (b) (7)(C) installed the "Fair Future at Tesla" logo as the wallpaper on (b) (6), (b) (7)(C) work computer and began wearing a UAW (b) (6), (b) (7)(C) in the plant.

All of this attracted management's attention. (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) "What's up with the (b) (6), (b) (7)(C) and inquired about the "Fair Future at Tesla" logo. Management also began ratcheting up its supervision of (b) (6), (b) (7)(C) in a way calculated to let (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) coworkers know that (b) (6), (b) (7)(C) was under close scrutiny.

(b) (6), (b) (7)(C) job as (b) (6), (b) (7)(C) gives (b) (6), (b) (7)(C) the opportunity to move throughout the plant, where (b) (6), (b) (7)(C) regularly speaks to other Tesla employees in every part

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of the plant about work-related issues, (b) (6), (b) (7)(C) had held dozens of these conversations with coworkers every week throughout (b) (6), (b) (7)(C) years as a (b) (6), (b) (7)(C) at the Gigaplant without management showing any particular concern about whom (b) (6), (b) (7)(C) was talking to and what (b) (6), (b) (7)(C) might be saying.

Last (b) (6), (b) (7)(C) however, (b) (6), (b) (7)(C) a Tesla (b) (6), (b) (7)(C) decided that it was necessary to walk across the shop floor to listen in on (b) (6), (b) (7)(C) conversation with a coworker (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not have anything to contribute to their discussion but instead stationed (b) (6), (b) (7)(C) approximately five feet from them for the duration of their conversation—nearly 25 minutes. When the conversation ended (b) (6), (b) (7)(C) returned to (b) (6), (b) (7)(C) desk without saying a word to either (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C).

The next week, on (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) chose to sit in on the classes that (b) (6), (b) (7)(C) that day. In the past a supervisor might occasionally come observe one of the classes that (b) (6), (b) (7)(C) when they did they would remain for a few minutes at most. (b) (6), (b) (7)(C) however, chose to remain for the duration—more than four hours. (b) (6), (b) (7)(C) has continued to sit in on every one of (b) (6), (b) (7)(C) classes since then.

(b) (6), (b) (7)(C) also continued hovering over (b) (6), (b) (7)(C) conversations with coworkers, in a way they had not done before. (b) (6), (b) (7)(C) did this on (b) (6), (b) (7)(C) when (b) (6), (b) (7)(C) was talking to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) did this on (b) (6), (b) (7)(C), when (b) (6), (b) (7)(C) was speaking to (b) (6), (b) (7)(C).

While this was going on management moved (b) (6), (b) (7)(C) desk from an area where there were no security cameras to one in which (b) (6), (b) (7)(C) would be monitored at all times by two security cameras. A photograph of the new worksite, with explanatory notes, is attached hereto as Exhibit A. The rest of the (b) (6), (b) (7)(C) continues to work in (b) (6), (b) (7)(C) former area, without any cameras recording them.

These incidents amount to unlawful surveillance and creation of the impression of surveillance. *See, e.g., Montgomery Ward & Co.*, 692 F.2d 1115, 1128 (7th Cir. 1982) (unreasonably close observation of employees violated Act). They all represented a sharp change from Tesla's past practices, were aimed at (b) (6), (b) (7)(C) Union supporter in the plant, were intrusively close, and were engaged in for an extended period of time on repeated occasions. *Bellagio, LLC*, 362 NLRB No. 175, slip op. at 11 (2015); *Station Casinos, Inc.*, 358 NLRB 1556, 1557 (2012).

2. Heightened supervision

When Tesla decided to single out (b) (6), (b) (7)(C) for unlawful surveillance of (b) (6), (b) (7)(C) on-the-job activities and conversations, it also engaged in unlawfully heightened and discriminatory supervision of (b) (6), (b) (7)(C) as well. Tesla's conduct conveys the unmistakable

Regional Director Valerie Hardy-Mahoney
November 15, 2017
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message to both (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) coworkers that speaking up for the Union will put a target on your back.

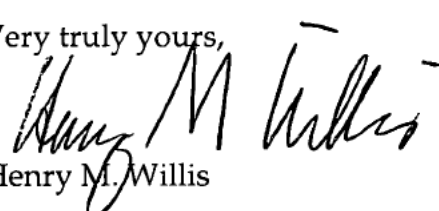
Tesla has, in fact, followed through on that implicit threat by disciplining (b) (6), (b) (7)(C) for non-offenses and for matters that do not lead to discipline in the case of other employees. On (b) (6), (b) (7)(C) 2017 Tesla gave (b) (6), (b) (7)(C) a written warning for allegedly pulling employees off the line without first consulting their supervisors. This simply did not happen. On the other hand, other (b) (6), (b) (7)(C) have not only taken employees off the production line, but sent them home, yet were not disciplined for it. A copy of the warning notice is attached as Exhibit B to this letter.

3. Interrogation

Management representatives have not only interrogated (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) Union sympathies, but attempted to order (b) (6), (b) (7)(C) to toe the line on the subject of the Union. (b) (6), (b) (7)(C) called (b) (6), (b) (7)(C) into (b) (6), (b) (7)(C) office on (b) (6), (b) (7)(C) 2017 to first ask (b) (6), (b) (7)(C) "What's with the (b) (6), (b) (7)(C) When (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) frankly that (b) (6), (b) (7)(C) wanted to see the plant be organized (b) (6), (b) (7)(C) then asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) thought that wearing a UAW (b) (6), (b) (7)(C) was appropriate for a (b) (6), (b) (7)(C). That second question not only probed (b) (6), (b) (7)(C) support for the Union, but made it clear that (b) (6), (b) (7)(C) thought that it was inappropriate.

Please contact the undersigned to arrange for the taking of statements in support of this charge.

Very truly yours,


Henry M. Willis

HMW (b) (6), (b) (7)(C)
Enclosures

cc: William Pittz (w/encls. by email only)
Shira Roza (w/encls. by email only)
Susan Reed (w/encls. by email only)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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Oakland, CA 94612-5224

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December 4, 2017

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LOS ANGELES, CA 90048

INTERNATIONAL UNION, UNITED
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AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA (UAW), AFL-CIO
8000 E JEFFERSON AVE
DETROIT, MI 48214-3963

Re: Tesla, Inc.
Case 32-CA-210011

Dear Gentlepersons:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

VALERIE HARDY-MAHONEY
Regional Director

cc:

(b) (6), (b) (7)(C)

TESLA, INC.
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FREMONT, CA 94538-6326

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